



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

January 20, 2015

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on January 20, 2015, at the 1056 Woodbrook Conference Room, Dover.

COUNCIL MEMBERS PRESENT: Terri Hancharick, Chair

Thomas Rust
Jamie Doan
Timothy F. Brooks, Ed.D.
Angie Sipple

COUNCIL MEMBERS ABSENT:

STAFF MEMBERS PRESENT: Jane Gallivan
Marie Nonnenmacher
Shawna Rodriguez - minutes

GUESTS PRESENT: Vicki Haschak Elwyn
Norma Brister Christina School District
Cathy Cowin Christina School District
Bridget Hancharick

CALL TO ORDER: The meeting was called to order at 1:10 p.m.

NEXT MEETING: February 17, 2015 11:00 am

APPROVAL OF MINUTES: The November 18, 2014 minutes were approved.

Agenda Additions:

DDDS Staff Age Requirements

Review Sent Information (handouts included)

October & November 2014 Census- 4000+ for the first time, the growth is significant in New Castle and Sussex is having more growth than Kent.

Three individuals are still in Morris Manor on the Stockley grounds, which will not be in compliance. DDDS is working with the families to move two of these clients to a medical home

in New Castle. They are excited about the prospect of moving closer to their families. As the parents get older they like the idea of being closer to their family member. One of the men may be moving to a property in Milford.

Another aspect we have to look into is the assisted living program, which will not be in compliance. DDDS is working to place these clients as well. DDDS is working with DMMA, Department of Aging, and Department of Mental Health.

The CMS Rule is very clear; waiver services cannot be provided on or adjacent to a public institution and be in compliance.

DDDS is planning a review for all out-of-state funded clients, included those funded by ICT. These are joint funded between DDDS, Education, and Child Family Services. Clients not able to be educated in our schools were sent out of state; however, once they age out they are not returning to DE. Jane wants to find out why, what can we do to bring them back and provide supports here.

The Council discussed the concern about transition. Jane feels we really need to have a state case manager facilitating transition back to DE. They need to know the system, the dialog and the process. Placement will take at least 18 months and possibly 2 years to complete.

Parents may be the biggest obstacle. If they are not educated with the process or if they have an arrangement that is working, they may not want to change.

Currently DDDS has budgeted for 150 graduates for this year, which is always subject to change.

JFC will be held February 26, 2015 10:00 am-1:00 pm

Budget Docs

The Deputy Director reviewed with the committee the FY16 Recommend Budget. Handouts were included.

Funding for a rate increase in FY15 for 6 months was included. DDDS is requesting funding so the increase can be annualized.

DDDS is requesting dental coverage along with funding for staffing and systems costs to implement the family support waiver in FY16. DDDS has vacant positions available from Stockley Center so we do not need to request FTE (full time equivalent) positions. These positions are not funded so we will ask for money to cover salaries and benefits. DMMA is also requesting three positions.

There is a concern by the Council about segregated communities and the consequences, financially and otherwise. A segregated community is similar to a gated community and is growing in popularity in some areas. There may be questions asked about them by the JFC. It is believed by the council the idea behind these communities is safety and is the main selling point. This Council also believes the vast majority of the DDDS population would not qualify under the criteria discussed.

This type of program is expecting the state to pay for half of its subsidy and families to pay the remaining half. How will this be managed and what type of effect will it take on the rest of the DDDS community? CMS has made it clear anyone who is living in a setting that is considered intentionally isolated from the greater community will not be funded by a home and community based service. Job coaching and day services would not be paid for either.

A significant factor is DDDS will lose the ability to match funds for numerous individuals.

Jane feels waiting to see how CMS views these types of settings may be the best course of action.

Quarterly Review (corrected version) of day services:

Shelter workshops have the largest populations overall. Jane points out states have four years to come into compliance. For example: once an assessment is done if a setting is not in compliance with the community rule, Medicaid funding will still be available for four years; however, that time must be used to come into compliance with the rule.

Family Support Waiver

The first meeting took place and was a success. One more meeting is scheduled. DDDS plans to complete the application by the end of April. The plan is due to the legislature this session; we told them we would have it to them by June 1, 2015.

Marie made a template to work from to look at each component to gather information needed for the application for the family support waiver.

We received a series of questions from one of the committee member. Responses to the questions will be sent today.

Once the application is done Jane and Marie would like to attach a gradient type format similar to the one done for the rate study. This will provide a guide to the legislature for costs of adding people next year and increasing scope of services.

The budget for the family support waiver will begin with a traditional approach. After developed further and it is finished, we will implement the self-direction portion. Because planning and budget is a large section that still needs to be complete and would fall under a *self-direction option* it is something we would like to add in the future.

There is an estimated \$1500 dental coverage with some flexibility per year.

CMS Rules/Transition Plan

First meeting 01/21/15

Committee includes representatives from different groups. Included in the packet is the overview, why we are doing this, flow of how we are going to proceed, the guidance from CMS, guidance from residential sites and day services including a questionnaire that was put into yes/no format.

This is only a description to CMS about Delaware to evaluate our services. This will be an overview, not going into the details. This is a transition plan for all Medicaid services provided in the department, not just DDDS.

Tenant's Rights

Tenant's rights need to be reviewed as they may be affected. Provider homes may be an issue. Who is the landlord? What are the implications? Who will do the assessments? If self-assessed, do we re-assess at least one agency to see if we agree?

The expectation: people live the same as anyone else in the community, with the same freedom of choice in their home. The only exception would be medical reasons, and those reasons are in the plan.

The group does not write the plan, they are only providing input, and it is the responsibility of the Medicaid office to establish this plan. Medicaid will submit the plan to CMS.

Supported Decision Making *Tabled*

Life Conference

January 15, 2015, at Dover Downs Hotel and Conference Center from 8:00 – 3:45 p.m.

The conference went well however, the attendance was low, many vendors turned out. The Council feels the advertising was more prevalent in the past and could have contributed to the low turnout.

Tim was impressed with the response from his representative and the interest he took in the committee's position. He noted he might be someone who will be an advocate to look to in the future.

Disability Day at Legislative Hall

Delaware's Annual Disability Day at Legislative Hall is scheduled for Wednesday, March 25, 2015, from 11 a.m. – 3 p.m. Attendees may preschedule to meet with Legislators.

Judge Rotenberg Center

Council had a small discussion and an update was provided.

DDDS Hearings

Marie will present the PowerPoint and Jane will answer any questions via phone.

DDDS Quality Working Group

DDDS is responsible to write and submit report to legislature and continues to be unclear of the direction. Working group participants included members/representatives from Homes for Life, The ARC of Delaware, Chimes, Autism Delaware, DELARF, and parents. At DDDS insistence,

Developmental Disabilities Council and self-advocate representatives were invited to participate in work group as well.

A conference call will be scheduled with the state of South Carolina, who has had their quality assurance program contracted for a number of years. They are in the process of providing an example on their website of a type of ranking system of providers, which is based on outcome measures.

Death with Dignity Legislation

New legislation to be aware of that may affect the disability community. Death with dignity is synonymous with assisted suicide. Who can make this decision? Can a guardian make this decision or should they? This is very complicated.

Letter to the Governor- DDC & Delarf

Developmental Disability Council sent a letter to the Governor in regards to the community issue that they are in favor of it and how it should go in the definitions. Delarf sent the Governor a letter in response to that letter. The Delarf letter listed all the member agencies on the side of the letter giving the impression they were in full support of the letter. The letter was mailed without consent from the agencies. The Council feels this falsely represents the agencies.

Pre-vocation by definition is changing. Appropriate services need to be provided, which is why we are working to put together the definition of the new services. It will be more of community-based service, which is more individualized.

The draft of program is currently titled: *Community Participation*; it is a more individualized day habilitation service. It is designed for an individual to access the community in a way that is more meaningful to them. Areas of interest may be art, gym, nature etc.

Rates will be higher, ratio will lower client to staff to allow for more support in community settings.

Aging in place is an area that DDDS is looking into. DDDS is reviewing policy, practice, regulations, and standards to see if they interfere with full access to the community. Providers will need to do the same. These are all-important when discussing definitions and referring to the day programs. This becomes a crucial element when relating to training and expectations. There must a moderate position that meets the regulation and gets results.

Agenda Additions:

DDDS Staff Age Requirements

Age requirements vary depending where hiring and the position.

Council member is voicing concern over availability of eligible potential staff specifically in Sussex County due to requirements.

Council discussed volunteerism for those interested without a degree and the suggestion is made to contact Gayle King at Georgetown.

Best Buddies is a volunteer organization also.

Adjournment

The meeting adjourned at 3:00 p.m.